

**TOWN OF SHREWSBURY  
REPORT OF THE SPECIAL TOWN MEETING  
OCTOBER 11, 2005**

The meeting was called to order at 7:10 P.M. at the Shrewsbury High School auditorium when Moderator Kevin T. Byrne announced a quorum of town meeting members in attendance. The official checklist showed 181 town meeting members present, including members at large.

As the first order of business the moderator examined the warrant and the constable's return and asked for and received unanimous consent to waive the reading of the warrant.

The moderator led the assembly in the pledge of allegiance to the flag.

A moment of silence was observed to remember Nancy Hochstein, former member of the Shrewsbury School Committee, who passed away two days ago.

An asterisk indicates articles recommended by the Finance Committee.

**\*Article 1:                   Construct Fire Headquarters  
                                Renovate Fire Station #2  
                                Construct Cemetery Department Garage**

**DEFEATED** a motion to end debate.

**VOTED** a motion to end debate and vote the printed motion.

**VOTED BY STANDING VOTE YES, 147; NO, 28** a motion to appropriate the sum of \$6,650,000.00 to fund the construction of a new fire headquarters on land adjacent to the existing fire station number one including original equipment, to fund the construction of a new cemetery garage including original equipment on land owned by the Town, to fund the demolition of the existing fire station number one and cemetery garage, to fund landscaping, paving and other site and utility improvements incidental or directly related to such construction and demolition, to fund the remodeling, reconstructing or making extraordinary repairs to the existing fire station number two located on Harrington Avenue including original equipment, landscaping, paving and other site improvements incidental or directly related to such remodeling, reconstruction or repair and to fund necessary architectural, engineering or other professional and legal expenses and fees associated with these buildings; to meet this appropriation the Treasurer with the approval of the Board of Selectmen is hereby authorized and directed to borrow at one time or from time to time the sum of \$6,650,000.00 by issuance and sale of bonds or notes of the Town in accordance with General Laws, Chapter 44, Section 7(3) and Section 7(3A), as amended, and to issue bonds or notes of the Town therefore; and that a committee consisting of the Town Manager, the Fire Chief, the Superintendent of Public Buildings, a member of the Board of Selectmen and three residents of the Town appointed by the Board of Selectmen is authorized to take any action necessary to carry out this vote, provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by General Laws Chapter 59, section 21C (Proposition 2 ½) amounts required to pay the principal of and interest on the borrowing authorized by this vote.

**\*Article 2:                   Purchase Aerial Platform Fire Truck**

**VOTED** a motion to end debate and vote the printed motion.

**VOTED UNANIMOUSLY** a motion to appropriate the sum of \$800,000.00 to fund the purchase of an aerial platform truck with related equipment and appurtenances for the Fire Department; to meet this appropriation the Treasurer with the approval of the Board of Selectmen is hereby authorized and directed to borrow at one time or from time to time the sum of \$800,000.00 by issuance and sale of bonds or notes of the Town in accordance with General Laws, Chapter 44, Section 7(9), as amended, and to issue bonds or notes of the Town therefore; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by General Laws Chapter 59, section

21C (Proposition 2 ½) amounts required to pay the principal of and interest on the borrowing authorized by this vote.

**\*Article 3:                   Westborough Treatment Plant  
Extend Term of Agreement**

**VOTED UNANIMOUSLY** a motion to authorize the filing of special legislation with the Massachusetts General Court which would authorize (a) the Town and the Town of Westborough to extend the term of the Agreement between the two Towns dated September 11, 1979 relating to the Westborough Treatment Plant for not more than 30 years, the original authorization for the Westborough Treatment Plant being set forth in Chapter 412 of the Acts of 1979 and (b) the Selectmen to amend the Agreement dated September 11, 1979 between the Town and the Town of Westborough relating to the Westborough Treatment Plant so to extend its term for not more than 30 years, such authorization being contingent on the passage of enabling legislation by the General Court referred to above.

**\*Article 4:                   Sewer Construction  
Harvey Place, Rolfe Avenue**

**VOTED UNANIMOUSLY** a motion to transfer the sum of \$1,000,000.00 from Sewer Surplus Account for the purpose of replacing a portion of the Harvey Place and Rolfe Avenue force main sewers including all related sub-drains, connections and appurtenances and to fund all related design and construction expenses and fees, and authorize the Board of Sewer Commissioners, acting for and on behalf of the Town to layout and construct said sewers, acquire land or easements in connection therewith which may be authorized by Chapter 502 of the Acts of 1954 as amended.

**\*Article 5:                   Improve Water System  
Boston Tpk., Spruce St., Crescent St., Holden St.**

**VOTED UNANIMOUSLY** a motion to transfer the sum of \$300,000.00 from the Water System Improvements Account for the improvement of the water supply system on Boston Turnpike (Rte 9), Spruce Street, Crescent Street and Holden Street including extension, relocation and relaying of water mains and replacement or improvement of water system appurtenances, services and connections and authorize the Board of Selectmen to acquire land or easements in connection therewith.

**\*Article 6:                   Water Storage Facility  
Masonic Property**

**VOTED UNANIMOUSLY** a motion to transfer the sum of \$50,000.00 from the Water System Improvements Account to fund engineering, testing and design services associated with the extraordinary repair and or replacement of water storage facilities and related appurtenances located on the former Masonic Hospital property off of Prospect Street.

**\*Article 7:                   Water Conservation Program**

**VOTED UNANIMOUSLY** a motion to transfer the sum of \$30,000.00 from the Water Conservation Fund to fund water conservation programs, materials, equipment and activities.

**\*Article 8:                   Amend Zoning Bylaw  
Section VI and VII  
Edgemere Village Overlay District**

**VOTED BY STANDING VOTE YES, 125; NO, 12** a motion to amend Section VI and VII of the Zoning Bylaw in order to establish the Edgemere Village Overlay District, substantially as follows:

**O. EDMERE VILLAGE OVERLAY DISTRICT**

1) Purposes and Intent

The purpose of the Edgemere Village Overlay District is to provide for neighborhood business and residential uses at a scale appropriate for a small village area.

2) Applicability

The Edgemere Village Overlay District applies to the Limited Business District on Route 20, as shown on the EDMERE VILLAGE OVERLAY DISTRICT map dated August 31, 2005, on file with the Town Clerk. The Edgemere Village Overlay District Map amends and is hereby made part of the Official Zoning Map of the Town of Shrewsbury. As an overlay, it provides for flexible development options that do not exist in the underlying district.

3) Use Regulations

a) The following uses are permitted in the Edgemere Village Overlay District:

- 1. All uses permitted in the Limited Business District
- 2. Dwelling units accessory to a commercial use, subject to O(5) below.
- 3. Accessory commercial uses

b) Uses and Structures Allowed by Special Permit

The Planning Board may grant a Special Permit for the following uses:

- 1. All uses allowed by Special Permit in the Limited Business District, except where prohibited in Section O(3)(c ) below.
- 2. Accessory uses customarily incidental to a Special Permitted use

c) Prohibited Uses

- 1. All uses prohibited in the Limited Business District.
- 2. Banking machines, as stand-alone structures or where public access is available via drive-up windows or from outside a building
- 3. Funeral homes
- 4. Building materials salesrooms
- 5. Overnight storage, parking, or garaging of commercial vehicles of more than 14,000 pounds gross vehicle weight
- 6. Any use not explicitly provided for in this Bylaw.

d) Use variances shall not be granted in the Edgemere Village Overlay District.

4. Dimensional and Intensity Regulations

a. Uses in the Edgemere Village Overlay District shall comply with the following requirements:

1. Minimum Lot Area:

Dwellings accessory to commercial use: 16,000 square feet

All other uses 12,500 square feet

2. Minimum Frontage: 100 feet

3. Yard Setbacks

- |                                   |   |
|-----------------------------------|---|
| (1) Minimum Front Yard Setback:   | 20 feet   |
| (2) Minimum Side Yard Setback:    | None, except 50 feet<br>abutting a residential district |
| (3) Minimum Rear Yard Setback:    | 20 feet, but 50 feet<br>abutting a residential district |
| 4. Minimum Open Space % Lot Area: | 10%   |
| 5. Maximum Lot Coverage:          | 50%   |
| 6. Maximum Height:                | 35 feet   |
| 7. Maximum Number of Stories:     | 2.5 stories   |

5. Development Regulations

- a) Dwelling units accessory to a commercial use are allowed above the ground floor of a building occupied by a principal commercial use, provided that the building is located on a lot of at least 16,000 square feet and at least 65% of the ground floor net leasable area is used for commercial purposes. The dwellings must be accessed by an entrance separate and distinct from commercial uses. The maximum number of dwelling units accessory to a commercial use shall not exceed 1 unit per 3,000 square feet of lot area.
- b) No off-street parking shall be permitted in the front yard setback or in front of any building on a lot with frontage on Route 20, except that for additions or alterations to a building existing on the effective date of this bylaw, the Planning Board may grant a Special Permit to retain use of an existing off-street parking area that does not comply. At least 15 feet of the front yard setback shall be landscaped with indigenous, non-invasive species suited for highway exposure, as determined by the Planning Board. Further, five feet of the required setback shall be designed as a paved sidewalk if no sidewalk exists or if no space for a sidewalk can be accommodated within the existing public right of way.
- c) If parking for at least 20 vehicles is provided at grade, but under the second story of the principal building and the said parking is located so as not to be visible from the front façade of the building and at least 25 feet of the sides of said building, the maximum height permitted shall be 45 feet and 3½ stories.

**Part II:** Amend Section VI, Table I by inserting a new footnote 29 next to the following uses:

Banking machines, as stand-alone structures or where public access is available via drive-up windows or from outside a building

Funeral homes

Building materials salesrooms

Overnight storage, parking, or garaging of commercial vehicles of more than 14,000 pounds gross vehicle weight

and insert the following footnote to Footnotes to Table I:

(29) Prohibited in the Limited Business District in that portion which lies within the Edgemere Village Overlay District.

Planning Board Report, 4 in favor, 0 opposed, 1 absent was read by moderator

**\*Article 9:                   Amend Zoning Bylaw  
                                  Section II, VI and VII  
                                  Route 20 Overlay District**

**VOTED** a motion to amend under 3. Use Regulations a. 6) by deleting the words "Medical buildings," and to amend under 3. Use Regulations b. 5) by adding the words "or veterinary clinic".

**VOTED UNANIMOUSLY** the amended motion to amend Section II, VI, and VII of the Zoning Bylaw in order to establish the Route 20 Overlay District, as follows:

**N. ROUTE 20 OVERLAY DISTRICT**

**1   Purposes and Intent**

The purposes of the Route 20 Overlay District are to:

- a. Encourage development that provides economic and fiscal benefits to the Town;
- b. Provide flexibility to develop an organized mix of office, retail, and compatible light industrial and other uses in a manner that is aesthetically pleasing from the vantage points of Route 20, adjacent uses and surrounding neighborhoods;
- c. Promote distinctive, non-formulaic architecture and site designs along Route 20;
- d. Prevent big-box development and its associated impacts;
- e. Facilitate shared access and appropriate links to adjoining properties, thereby reducing the need for curb cuts and improving traffic safety on Route 20; and
- f. Encourage landscape designs and landscape treatments that create a parkway effect and functionally contribute to traffic calming along Route 20.

**2.   Applicability**

The Route 20 Overlay District applies to the Commercial Business and Limited Industrial Districts along Route 20, as shown on the ROUTE 20 OVERLAY DISTRICT map dated August 31, 2005, on file with the Town Clerk. The Route 20 Overlay District Map amends and is hereby made part of the Official Zoning Map of the Town of Shrewsbury. As an overlay, it provides for flexible development options that do not exist in the underlying districts.

**3.   Use Regulations**

- a. The following uses are permitted in the Route 20 Overlay District, provided they comply with Section N(7):
  - 1) Business or professional office.
  - 2) Banks.
  - 3) Banking machines, where public access is only available from within a building and is operated in connection with other uses in the same building.
  - 4) Retail store or service establishment, up to 15,000 square feet of gross floor area.
  - 5) Restaurant or other place for serving food within the structure, excluding drive-through service.
  - 6) Charitable institutions, and non-profit research laboratories and accessory uses thereto.
  - 7) Accessory uses customarily incidental to a permitted use.

b. Uses and Structures Allowed by Special Permit

The Planning Board may grant a Special Permit for the following uses in accordance with Section N(6).

- 1) Large retail development (any retail establishment exceeding 15,000 square feet of gross floor area), subject to Section N(9).
- 2) Cinema or Theatre.
- 3) Gasoline Service Stations, or Gasoline Service Stations with Related Uses, located not more than 500 feet from a signalized intersection; subject to Table 1, footnote 9.
- 4) Auditoriums, athletic facilities, health clubs, and other places of amusement or public assembly where activities take place inside the building.
- 5) Medical clinic or veterinary clinic.
- 6) Assisted living residence.
- 7) Campus-style office or light industrial development, excluding warehouse except as an accessory use.
- 8) Manufacturing and accessory retail.
- 9) Drive-through food service establishment.
- 10) Accessory uses customarily incidental to a Special Permitted use.

c) Prohibited Uses

The following uses are prohibited in the Route 20 Overlay District and any underlying districts, notwithstanding the provisions of Section VI Table I of this Bylaw:

- 1) Adult bookstore, adult motion picture theater, adult paraphernalia store, adult video store, or establishment which displays live nudity for its patrons.
- 2) Any use which will produce a nuisance or hazard from fire or explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent or electrical interference which may affect or impair the normal use and peaceful enjoyment of any property, structure or dwelling in the Town.
- 3) Any use not explicitly provided for in this Bylaw.

d) Use variances shall not be granted in the Route 20 Overlay District.

4. Site Plan Approval

Section VII.F(3) of this Bylaw shall apply to all uses in the Route 20 Overlay District. In addition to the approval criteria under Section VII.F(3)(h), the Planning Board shall base its decision on the degree to which a proposed development conforms to the Route 20 Overlay District Development Regulations in N(7) hereunder.

5. Dimensional and Intensity Regulations

a) Uses in the Route 20 Overlay District shall comply with the following requirements:

Minimum Lot Area:	80,000 square feet, except that where the Overlay District does not exceed 600 feet in depth from the centerline of Route 20, the minimum lot area shall be 40,000 square feet
Minimum Frontage:	150 feet
Yard Setbacks	
Minimum Front Yard Setback:	25 feet
Maximum Front Yard Setback:	40 feet; in a development with more than one building on a single parcel, the maximum front yard setback shall apply to the principal building closest to the street.
Minimum Side Yard Setback:	25 feet
Minimum Rear Yard Setback:	25 feet; except 50 feet abutting a residential area
Minimum Open Space % Lot Area:	25%
Maximum Lot Coverage:	35%
Maximum Impervious Coverage:	65%
Maximum Height:	40 feet
Maximum Number of Stories:	3 stories

b. Permitted Alternatives

The following alternatives to N(5)(a) may be permitted, subject to Site Plan Approval:

- 1) A reduction in the minimum side yard setback to 0 feet on common interior lots in order to accommodate zero lot line design. Equivalent open land equal to the area required to comply with the minimum side yard setback shall be provided elsewhere on the site in locations approved by the Planning Board.
- 2) An increase in maximum impervious coverage to 70% provided that the side or rear yard buffer is increased by two feet for every 1% increase in coverage.
- 3) A reduction in frontage to not less than 50 feet for a development that provides consolidated or shared access to Route 20 for three or more adjoining parcels.

c. Alternatives Allowed by Special Permit

The Planning Board may grant a Special Permit for the following alternatives to N(5)(a):

- 1) An increase in the maximum front yard setback to the extent necessary to accommodate Best Management Practices for sustainable stormwater management and no other commercially reasonable option exists on the site.
- 2) An increase in height for a campus-style office or light industrial development up to 55 feet. In granting a Special Permit for this purpose, the Planning Board may require additional setbacks, stepping-down of building elevations, visual buffering, screening, and/or other appropriate measures to provide a height transition between the development and adjacent uses. The Planning Board may also require the applicant to provide off-street parking below grade.
- 3) An increase in the maximum floor area of an individual retail establishment from 15,000 to not more than 80,000 square feet of floor area, provided that the

structure in which it is located contains two or more establishments, at least two occupiable full stories, and not more than 65,000 square feet of floor area on any one floor.

- 4) A change in coverage or height requirements when necessary and appropriate to accommodate one or more renewable energy sources in the development.

#### 6. Special Permits in the Route 20 Overlay District

- a. The Special Permit Granting Authority (SPGA) in the Route 20 Overlay District shall be the Planning Board. The application, review, decision and appeal procedures shall be in accordance with G.L. c.40A, Section 9 and Section IX of this Bylaw, and applicable regulations of the Planning Board.
- b. Special Permit Granting Criteria. The Planning Board may grant a Special Permit upon finding that the application complies with the purposes of this Section, to the degree consistent with a reasonable use of the site. In making its decision, the Planning Board shall not issue a Special Permit unless it determines that the proposed development:
  - 1) Conforms to all requirements of the Zoning Bylaw;
  - 2) Provides adequate space for vehicular access to the site and off-street parking and loading/unloading on the site;
  - 3) Provides adequate water supply and distribution for domestic use and fire protection;
  - 4) Provides adequate methods of storage and disposal for sewage, refuse and other wastes resulting from the uses permitted on the site and the methods of drainage or retention of surface water; and
  - 5) Could not reasonably be altered to:
    - (a) Achieve greater consistency with the Route 20 Overlay District Design Standards in Section N(8) of this Bylaw;
    - (b) Improve protection for adjoining premises against detrimental or offensive uses on the site;
    - (c) Improve safety for vehicular and pedestrian movement within the site and in relation to adjacent ways and land;
    - (d) Reduce stormwater runoff through best management practices or increase groundwater recharge; and
    - (e) Improve water conservation.
  - 6) For Large Retail Development, the Planning Board shall further find that the proposed development complies with Section N(9).

#### 7. Development Regulations

To achieve the purposes of this Section, development in the Route 20 Overlay District shall comply with the following regulations unless waived by Special Permit from the Planning Board.

- a. Location and orientation of principal buildings. The front façade of any building with a principal use on a lot with frontage on Route 20 shall be oriented toward Route 20. For developments of two or more buildings or for development on interior lots, buildings shall face the access road that serves them. Buildings may also be oriented around a courtyard or respond in design to a prominent feature, such as a corner location, subject to approval by the Planning Board.
- b. Front yard treatment. The front yard area facing Route 20 shall provide a continuous landscaped edge to the property in question, except for points of entry and exit. Minimum front yard landscaping shall include not less than one canopy tree per 25 linear feet of frontage, located not more than ten feet from the right of way, and



shrubs or bushes at a minimum ratio of 12 per tree. Where appropriate and feasible, canopy and ornamental trees, shrubs, planters and groundcover at the edge of Route 20 shall be arranged in groupings that reduce the optical width of the road. However, no landscaping treatments shall be permitted to obstruct clear sight distance.

- c. Multiple buildings on a single lot. The Planning Board may grant a Special Permit for a lot in the Route 20 Overlay District to contain more than one building with a principal use, provided that the development meets the Route 20 Overlay District Design Standards.
- d. Off-street parking. All off-street parking shall be located to the rear of a building or may be located to the side, provided that no off-street parking is located within 20 feet of the front elevation facing Route 20 except as provided herein. The Planning Board may grant a Special Permit to locate not more than 15% of the required off-street parking spaces within the front yard of a principal building and Route 20 and authorize a change in the maximum front yard setback where essential to accommodate such parking. In granting a Special Permit for this purpose, the Planning Board may impose design, surface treatment, landscaping, lighting and other requirements to mitigate the visual impact of parking areas on views from Route 20, and may regulate the location of the remaining parking as necessary to achieve the purposes of this Section.
- e. Pedestrian safety. Continuous internal pedestrian walkways at least six feet in width shall be provided from the sidewalk, parking lot, public right-of-way or interior access road to the public entrance of all principal buildings on a site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than 50 percent of their length.
- f. Outdoor storage. Outdoor storage, trash collection or compaction, loading, or other such uses are prohibited within 50 feet of any public or street, public sidewalk, or internal pedestrian way.
- g. Access Management. Wherever feasible, access to lots in the Route 20 Overlay District shall be designed to minimize curb cuts on existing public ways. Shared access may be provided through one or more of the following methods: (a) a cul-de-sac or loop road or common driveway shared by adjacent lots or premises, (b) joint and cross access between the lot and adjacent uses, (c) an existing side or rear street, (d) a cul-de-sac or loop road shared by adjacent lots or premises.
- h. Site plan submission requirements. Site plan applications and procedures shall be in accordance with Section VII.F and the following additional requirements for Site Plan Content:
  - 1) Elevations of all proposed buildings, prepared and stamped by a registered professional architect.
  - 2) A landscaping plan showing the location, name, number and size of plant types, and the locations and elevation and/or height of planting beds, fences, walls, steps and paths, prepared by a registered landscape architect.
- i. Site plan approval criteria. The Planning Board shall approve a Site Plan only upon a determination that the plan meets the requirements of Section VII.F(h) and the following additional criteria:
  - 1) Complies with the Route 20 Overlay District Development Regulations under this Section N(7).
  - 2) Enhances the natural environment by preserving mature trees where they exist, reducing the volume of earth materials cut or filled, reducing soil erosion during and after construction and reducing the extent of alteration in the amount, timing and location of stormwater runoff from the site.
  - 3) Contributes to a visually attractive parkway image along Route 20 by providing appropriate front yard landscaping and landscaping between adjoining properties.

- 4) Complies to the maximum feasible extent with the Route 20 Design Standards in Section N(8).
- j. Landscaping standards. Landscaping shall be comprised primarily of non-invasive, drought-resistant plantings that include trees, flowers, shrubs, succulents and ornamental grasses. High-water use turf shall not exceed 20% of all landscaped areas or open space on the site. Outdoor watering may be achieved by drip irrigation or low-energy spray irrigation, or a comparable water-conserving irrigation system, but sprinkler systems are prohibited unless the applicant can demonstrate to the Planning Board's satisfaction that the proposed system meets acceptable water conservation standards. All outdoor irrigation systems shall be served by a private water supply.

#### 8. Design Standards

The following design standards apply to development in the Route 20 Overlay District and should be addressed in an application for Site Plan Approval.

- a. General. Buildings and landscape treatments, not parking, should serve as the focal points for development along Route 20. They should contribute to a sense of continuity and coherence from Route 20 and distant vantage points.
- b. Size, mass, facades and exterior features. Windows should be recessed and include visually prominent sills, shutters, or similar forms of framing. Windowless buildings with standardized façade treatments are explicitly prohibited. No building shall have more than 100 linear feet of unbroken wall area.
- c. Exterior materials. Exterior materials may include painted clapboard, wood shingles, brick or materials of comparable appearance. Neutral or earth-tone colors are appropriate, but brighter colors may be applied to building trim with approval of the Planning Board. Variations in materials, colors and textures are encouraged when they contribute to the purposes of the Route 20 Overlay District.
- d. Rooflines and roof features. Gabled, stepped, and peaked roofs add variety and interest to buildings and should be incorporated in large developments. A flat or nearly flat roof is prohibited on any building facing Route 20, except that the Planning Board authorize a flat roof that includes green roof technology with greenroof plants suited for the local climate.
- e. Environmental design. Applicants are encouraged to use green building technologies and materials, wherever possible, to limit environmental impacts.

#### 9. Large Retail Development Standards

Any development with 15,000 square feet or more of retail use shall meet the following in addition to subsections (a) through (g) of Section N(8) above.

- a. Articulation, exterior materials and patterns. A building with a facade of 100 feet or more in linear length shall incorporate wall projections or recesses at least three feet in depth and a minimum of 20 contiguous feet within each 100 feet of facade length, and shall extend over 20 percent of the facade. Animating features such as arcades, display windows, entry areas, or awnings shall be used along at least 60 percent of the facade. Variation in materials, colors and textures is required. Blank walls are explicitly prohibited.
- b. Windows. Windows must be at least 40 percent of the length and 20 percent of the ground level wall area. Ground level walls include all exterior wall areas up to 9 feet above the finished grade. In a development with more than one retail establishment, each served by a separate building entrance, the ground level façade of such stores shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building façade.
- c. Roof. Roof lines shall be varied with a change in height every 100 linear feet in the building length. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal roof top equipment. The Planning Board may accept alternating lengths and designs where appropriate.

- d. Outdoor amenities. Retail developments shall provide outdoor spaces and amenities such as a patio/seating area, pedestrian plaza with benches, kiosk area, play areas.
- e. Architectural focal points. Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following:
  - 1) Canopies or porticos
  - 2) Overhangs
  - 3) Recesses/projections
  - 4) Arcades
  - 5) Raised corniced parapets over the door
  - 6) Peaked roof forms
  - 7) Arches
  - 8) Outdoor patios
  - 9) Display windows
  - 10) Architectural details such as tile work and moldings which are integrated into the building structure and design
  - 11) Planters or wing walls that incorporate landscaped areas and/or places for sitting
- f) Landscaping. Visual relief from buildings and hard materials shall be accomplished with landscape treatments such as shrubs, trees, flower boxes and other greenery around buildings.

**Part II:** Amend Section II, Definitions by adding the following definitions in alphabetical order:

**IMPERVIOUS COVERAGE, MAXIMUM:** The maximum percentage of a lot that may be covered by impervious surfaces. “Impervious surfaces” include but are not limited to the principal building and accessory structures on the lot, paved driveways or access roads, parking areas, sidewalks, tennis courts, in-ground swimming pools, and any other elements rendering any portion of a lot impervious.

**MANUFACTURING AND ACCESSORY RETAIL:** Manufacturing facilities located on the same site with a primary retail outlet for one or more products manufactured on premises, provided that retail sales shall be limited to the product or products manufactured on site and any directly related items or services.

**Part III:** Amend Section VI, Table I by inserting a new footnote 30 next to the following use:

Adult bookstore, adult motion picture theater, adult paraphernalia store, adult video store, or establishment which displays live nudity for its patrons

and insert the following footnote to Footnotes to Table I:

(30) Prohibited in the Commercial Business District in that portion which lies within the Route 20 Overlay District.

Planning Board report, 4 in favor, 0 opposed, 1 absent, was read by the moderator

**DEFEATED** a motion to adjourn at 10:20 P.M.

**\*Article 10:               Amend Zoning Bylaw  
                                  Inclusionary Housing**

**VOTED BY STANDING VOTE YES, 75; NO, 25** the substitute motion to amend the Zoning Bylaw in order to establish Inclusionary Housing regulations, as follows:

**Part I:** Delete Section VII.K, Density Bonus for Affordable Housing, and replace it with the following:

**K. INCLUSIONARY HOUSING**

1. Purposes and Intent.

The purposes of the Inclusionary Housing Bylaw are to:

- a. Create and preserve housing affordable to low- or moderate-income households.
- b. Encourage developers to include affordable housing in all new residential and mixed-use developments.
- c. Promote geographic distribution of affordable housing units throughout the town and avoid over-concentration.
- d. Assist the Town in creating units eligible for the Chapter 40B Subsidized Housing Inventory through means other than a comprehensive permit.

2. Applicability.

- a. This section applies to all developments involving the creation of five (5) or more dwelling units or five (5) or more lots for residential use in the following zoning districts: Rural A, Rural B, Residence A, Residence B-1, Residence B-2, Multi-Family or Apartment.
- b. Developments shall not be segmented to avoid compliance with the Inclusionary Housing requirement. For purposes of this section, “segmentation” shall mean divisions of land that would cumulatively result in an increase by five or more residential lots above the number existing on a parcel of land or contiguous parcels in common ownership twenty-four months prior to the application. Where such segmentation occurs, it shall be subject to the Inclusionary Housing requirement. A subdivision or division of land shall mean any subdivision as defined in the Subdivision Control Law, G.L. c.41, Sections 81K-81GG, or any division of land under G.L. c.41, Section 81P, into lots for residential use.
- c. Exemption: This Section does not apply to the rehabilitation of any building or structure, all of or substantially all of which is destroyed or damaged by fire or other casualty or act of God; provided, however, no rehabilitation nor repair shall increase the density, bulk or size of any such building or structure which previously existed prior to the damage or destruction thereof without triggering the requirements of this Section.

3. Definitions.

For the purpose of administering this Section, certain terms and words are herein defined as follows:

**Affordable Housing Restriction:** A contract, mortgage agreement, deed restriction, or other legal instrument, acceptable in form and substance to the Town of Shrewsbury, that effectively restricts occupancy of an affordable housing unit to qualified purchaser or qualified renter, and which provides for administration, monitoring and enforcement of the restriction during the term of affordability. An affordable housing restriction shall run with the land in perpetuity or for the maximum period of time allowed by law, and be enforceable under the provisions of G.L. c.184, Sections 26 or 31-32.

Affordable Housing Trust Fund: A fund account established by the Town for the purpose of creating or preserving affordable housing in the Town of Shrewsbury.

Affordable Housing Unit: A dwelling unit that is affordable to and occupied by a low- or moderate-income household and meets the requirements of the Local Initiative Program for inclusion on the Chapter 40B Subsidized Housing Inventory. For purposes of the Inclusionary Housing Bylaw, a living unit in an Assisted Living Residence shall not be considered a dwelling unit.

Area Median Income: means the median family income for the Worcester metropolitan area or other metropolitan area that includes the Town of Shrewsbury, as defined in the annual schedule of low- and moderate-income limits published by the U.S. Department of Housing and Urban Development, and adjusted for household size.

Inclusion Unit: an affordable housing unit built on the same locus as a development with market-rate units under Section VII.K of this Bylaw.

Local Initiative Program: A program administered by the Massachusetts Department of Housing and Community Development (DHCD) pursuant to 760 CMR 45.00 to develop and implement local housing initiatives that produce low- and moderate-income housing.

Low- or Moderate-Income Household: A household with income at or below 80% of area median income, adjusted for household size, for the metropolitan area that includes the Town of Shrewsbury, as determined annually by the United States Department of Housing and Urban Development (HUD).

Market-Rate Dwelling Units: all dwelling units in a development subject to this Section that are not affordable housing units as defined herein.

Maximum Affordable Purchase Price or Rent: For homeownership units, a purchase price that is affordable to a low- or moderate-income household paying no more than 30% of gross monthly income for a mortgage payment, property taxes, insurance and condominium fees where applicable; and for rental units, a monthly rent that is affordable to a low- or moderate-income household paying no more than 30% of its gross monthly income for rent and utilities. The household income used to compute the maximum affordable purchase price or rent shall be adjusted for household size, considering the household size for which a proposed affordable unit would be suitable under guidelines of the Local Initiative Program or, where no such guidelines exist, under regulations adopted by the Planning Board.

Qualified Household: A low- or moderate-income household that purchases or rents an affordable housing unit as its principal residence.

Subsidized Housing Inventory: The Department of Housing and Community Development Chapter 40B Subsidized Housing Inventory as provided in 760 CMR 31.04.

4. Methods of Providing Affordable Housing. Any development not exempted herein shall provide affordable housing through one or more of the following methods, or any combination thereof.
  - a. Inclusion Units: affordable housing units constructed on the locus of the development. This is the preferred method of complying with the Inclusionary Housing requirement.
  - b. Alternative Methods: The Planning Board may grant a Special Permit to allow alternative methods of compliance in accordance with Section K(6).
5. Development Regulations for Inclusion Units

Including affordable units in new development serves an important public purpose and meets the growth management objectives of the Shrewsbury Master Plan. The Town of

Shrewsbury has valid planning reasons to establish use, dimensional and density regulations that apply particularly to developments with Inclusion Units: to promote efficient use of land, to encourage mixed-income neighborhoods, to achieve a diverse and balanced community with housing available for households of all income levels as a matter of basic fairness, to provide reasonable cost offsets to developers who provide new affordable units, and to increase the supply of affordable housing at a rate sustainable for the Town. In addition, the Town has an interest in assuring that all residential development assists with meeting state requirements for the provision of affordable housing and that such housing is geographically distributed throughout the community. Furthermore, the Town has an interest in assuring that suitable mechanisms exist to preserve the affordability of housing built for low- or moderate-income people, and that affordable housing is made available to qualified purchasers or qualified renters in a manner that complies with federal and state fair housing laws. Toward these ends, the requirements for a development with Inclusion Units shall be as follows.

a. Permitted Uses

- 1) In the Rural A, Rural B, Residence A and Residence B-1 Districts, the following are permitted uses in a development with Inclusion Units:
  - a) Detached single-family dwelling.
  - b) Two-family dwelling, provided that two-family units comprise not more than 20% percent of the total number of dwelling units in the development and the two-family dwellings comply with the location, comparability and design requirements set forth in K(5)(f) and K(5)(g) below.
- 2) In the Residence B-2, Multi-Family and Apartment Districts, the permitted uses in a development with Inclusion Units shall be as set forth in Section VI Table I.

b. Uses Allowed by Special Permit

- 1) The Planning Board may grant a Special Permit to increase the percentage of two-family dwellings in a development with Inclusion Units in the Rural A, Rural B, Residence A or Residence B-1 District, up to a maximum of 25%.
- 2) A residential use requiring a Special Permit under Section VI Table I shall also require a Special Permit for a development with Inclusion Units.

c. Dimensional and Density Requirements. The requirements of Section VII Table II and any notes thereto shall apply to a development with Inclusion Units except as modified by the provisions of Table K-A.

d. Affordable Housing Requirement

A development with Inclusion Units shall provide affordable housing in accordance with the minimum requirements below. Where the requirement results in a fraction of a lot or dwelling unit, the fraction shall be rounded up to the nearest whole number, such that a development of five (5) dwelling units shall include one (1) affordable unit, a development of eleven (11) dwelling units shall include two (2) affordable units, and so on.

- 1) In the Rural A, Rural B and Residence A Districts: a minimum of 10%.
- 2) In the Residence B-1 and B-2 Districts: a minimum of 12.5%.
- 3) In the Multi-Family District: a minimum of 12.5% for developments of single-family or two-family dwellings, and a minimum of 15% for MF-1 or MF-2 developments.
- 4) In the Apartment District: a minimum of 25%.
- 5) In any district where Senior Housing is permitted or allowed by Special Permit, a minimum of 15% for Senior Housing developments.

e. Application Procedures

- 1) A subdivision of land shall be submitted to the Planning Board in accordance with the Planning Board's Rules and Regulations for the Subdivision of Land.
- 2) A development that does not involve a subdivision of land shall be submitted pursuant to G.L. c.41, Section 81P or Section VII-F of this Bylaw, as applicable.
- 3) For MF-1, MF-2 or Senior Housing, the Special Permit application procedures, review and decision criteria shall be in accordance with Section IX of this Bylaw, as applicable. The Planning Board shall be the Special Permit Granting Authority for special permits issued under this Subsection K.
- 4) The Planning Board may adopt supplemental submission requirements and procedures for any development with Inclusion Units. Such procedures may include but are not limited to submission of a Site Plan under Section VII-F.1 for the purpose of determining compliance with Sections K(5)(f) and K(5)(g) below, and a development phasing plan to determine compliance with Section K(5)(h).

f. Location of Inclusion Units. Inclusion Units shall be dispersed throughout a development. The applicant may locate Inclusion Units in two-family dwellings in lieu of designating detached single-family dwellings as affordable housing, provided that the two-family dwellings are not concentrated in one part of the development and they conform to Section K(5)(g) below. For MF-1 or MF-2 multi-family developments, Inclusion Units shall be dispersed throughout the buildings and the floors of each building such that no single building or floor therein has a disproportionate percentage of Inclusion Units. For Senior Housing, location requirements for Inclusion Units shall be based on the residential use types provided in the development.

g. Comparability of Inclusion Units

- 1) Inclusion Units shall be comparable to market-rate units in exterior building materials and finishes; overall construction quality; and energy efficiency, including mechanical equipment and plumbing, insulation, windows, and heating and cooling systems. To be comparable in exterior appearance, single-family or two-family Inclusion Units shall be designed to comply with the following requirements, as applicable:
  - a) When the Inclusion Units are detached single-family dwellings, they shall be similar in size to market-rate detached single-family dwellings in the development unless the Planning Board grants a Special Permit to authorize smaller units.
  - b) Inclusion Units may be in two-family dwellings in which each unit has a ground-level floor and the units are separated by a common wall, with an at-grade entrance to one unit on the front façade and at-grade entrance to the second unit on the side, such that when viewed from the road, the dwelling appears to be a detached single-family dwelling. When a two-family dwelling provides Inclusion Units, the building shall be at least equal in gross floor area to a typical market-rate, detached single-family dwelling in the development in order to achieve general comparability of scale and built form.
- 2) Inclusion Units may differ from Market-Rate Units in gross floor area provided that the bedroom mix in Inclusion Units shall be generally proportional to the bedroom mix in Market-Rate Units unless the Planning Board authorizes a different mix by Special Permit.

h. Timing of Construction

Unless a different schedule is approved by the Planning Board, Inclusion Units shall be constructed in proportion to market-rate units. Compliance with this requirement shall be determined on the basis of building permits issued for Inclusion Units and

market-rate units, or lot releases, as applicable. Inclusion Units shall not be the last units to be built in any development covered by this Section.

i. Selection of Qualified Purchasers or Renters

- 1) The selection of qualified purchasers or renters shall be carried out under an affirmative marketing plan approved by the Planning Board. The affirmative marketing plan shall describe how the applicant will accommodate local preference requirements, if any, established by the Board of Selectmen.
- 2) The applicant may sell Inclusion Units to the Town of Shrewsbury, the Shrewsbury Housing Authority, or to any non-profit development organization that serves the Town of Shrewsbury, in order that such entity may carry out the steps required to market the Inclusion Units and manage the selection of buyers.

j. Preservation of Affordability

- 1) Any Inclusion Unit shall be subject to an affordable housing restriction that contains limitations on use, resale and rents. The affordable housing restriction shall meet the requirements of the Town and the DHCD Local Initiative Program, and shall be in force in perpetuity or for the maximum period allowed by law.
- 2) The affordable housing restriction shall be enforceable under the provisions of G.L. c.184, Sections 26 or 31-32, as amended.
- 3) The developer shall be responsible for preparing and complying with any documentation that may be required by DHCD to qualify Inclusion Units for listing on the Chapter 40B Subsidized Housing Inventory.
- 4) No building permit shall be issued for a rental development with Inclusion Units until a regulatory agreement signed by the applicant, the Town and DHCD has been recorded at the Registry of Deeds.
- 5) A Certificate of Occupancy for a homeownership Inclusion Unit shall not be issued until the applicant submits documentation to the Building Inspector that an affordable housing restriction has been approved by the Planning Board and signed by the Inclusion Unit homebuyer.

6. Regulations for Alternative Methods of Providing Affordable Units

a. In its discretion, the Planning Board may grant a Special Permit for an alternative method listed below, subject to the following requirements:

- 1) Off-Site Units. The applicant may propose to provide equivalent affordable units in another location in Shrewsbury. The off-site affordable units may include existing dwelling units acquired and renovated, as necessary, or new-construction units, in either case sold to qualified purchasers or conveyed to the Shrewsbury Housing Authority or another non-profit development organization for affordable rental housing. The location and quality of off-site affordable units shall be subject to approval by the Planning Board during the development review process. A schedule for providing the off-site units shall be incorporated into the Special Permit through conditions imposed by the Planning Board. Off-site affordable units shall comply with the comparability requirements for Inclusion Units under K(5)(g) and the Preservation of Affordability requirements of Section K(5)(j).
- 2) Land Donation. The applicant may propose to donate buildable land to the Town of Shrewsbury, the Shrewsbury Housing Authority, or a non-profit housing development organization serving the Town of Shrewsbury, subject to approval by the Planning Board. Any land donated under the provisions of this section shall be subject to a restriction assuring its use for affordable housing. Prior to approving a land donation as satisfaction of the Inclusionary Housing requirement, the Planning Board shall require the applicant to submit an appraisal or other evidence to show that the land is suitable for an equivalent number of



affordable housing units. Donations of land in lieu of creating affordable units shall be made prior to the issuance of any building permits for the development unless the Planning Board approves a different schedule.

- 3) Fee in Lieu of Units. The applicant may propose to pay a fee in lieu of creating affordable units. For each affordable unit provided through this method, the cash payment per unit shall be equal to the difference between the median single-family home or condominium sale price in Shrewsbury for the most recent three fiscal years, as determined by the Board of Assessors, and the price affordable to a qualified purchaser as determined by the Planning Board's regulations and any applicable guidelines of the Massachusetts Department of Housing and Community Development (DHCD), Local Initiative Program (LIP). If the Planning Board issues a Special Permit to authorize a fee in lieu of units, the fee shall be paid to the Town's Affordable Housing Trust Fund prior to the issuance of any building permits for the development. This alternative method shall apply only to homeownership developments.
  - b. Special Permit application procedures, review and decision criteria shall be in accordance with Section IX of this Bylaw.
  - c. Any development that provides affordable units through an alternative method shall conform to the requirements of Section VI, Use Regulations and Section VII Table II. The provisions of Table K-A apply only to a development with Inclusion Units.
7. Exemption
- a. The Planning Board may grant a Special Permit to exempt a development from the Inclusionary Housing requirements of this Bylaw, provided that:
    - 1) No lot in the development shall have less than 1.5 times the minimum frontage nor less than two (2) times the minimum lot area for the district in which the lot is located. For lots divided by a zoning boundary line, the minimum lot area for the district with the larger minimum lot area shall be used in determining the applicable minimum lot area. For lots located in the Rural A, Rural B or Residence A District, at least 75% of the minimum lot area required for zoning compliance, or a minimum of 30,000 square feet, shall be contiguous upland.
    - 2) All other dimensional requirements of the district in which the lot is located shall apply.
    - 3) For an application to exempt rear lots created under Section VII.B(7), no lot shall have less than four (4) times the minimum lot area for the district in which the lot is located, nor less than 100 feet of frontage.
  - b. Special Permit application procedures, review and decision criteria shall be in accordance with Section IX of this Bylaw.
8. Severability. If any portion of this Bylaw is declared to be invalid, the remainder shall continue to be in full force and effect.

TABLE K-A: Compensatory Dimensional and Density Regulations for Developments with Inclusion Units <sup>(1)</sup>								
	Minimum Requirements							Maximum
	Minimum Lot Area	Minimum Frontage	Front	Side <sup>(2)</sup>	Rear	Add'l Area Per Unit <sup>(3)</sup>	Open Space % Lot Area	Lot Coverage
<b>Rural A, Rural B</b>								
Single-Family	19,000	125	40	25	50	---	---	21%
Two-Family <sup>(4)</sup>	22,000	125	40	30	50	---	---	21%
<b>Residence A</b>								
Single-Family	19,000	125	30	20	40	---	---	31%
Two-Family <sup>(4)</sup>	22,000	125	30	30	40	---	---	31%
<b>Residence B-1</b>								
Single-Family	12,500	100	30	10	40	---	---	31%
Two-Family <sup>(4)</sup>	16,000	100	25	10	40	---	---	31%
<b>Residence B-2</b>								
Single-Family	12,500	100	30	10	40	---	---	31%
Two-Family <sup>(4)</sup>	16,000	125	30	10	40	---	---	31%
<b>Multi-Family</b>								
Single-Family	12,500	100	30	10	40	---	---	31%
Two-Family <sup>(4)</sup>	16,000	100	30	10	40	---	---	31%
MF-1 <sup>(5)</sup>	16,000	50	40	25	25	3,900	50%	---
MF-2	160,000	50	40	50	50	See <sup>(6)</sup>	50%	---
<b>Apartment</b>	---In accordance with Table II---							

FOOTNOTES TO TABLE K-A

(1) The requirements of Table K-A apply to any development that provides Inclusion Units. However, where Table K-A is silent on a requirement set forth in Section VII Table II and its associated footnotes, said Table II shall govern.

(2) The side yard setback shall be reduced to zero for zero-lot-line two-family dwellings.

(3) Additional area required per dwelling unit in excess of two.

(4) If the required percentage of affordable units results in an odd number and the inclusion units are in two-family dwellings, the number of affordable shall be increased by one in order to provide for the creation of a two-family dwelling with two affordable units.

(5) Subject to Section VI Table I, Footnote 5.

(6) Subject to Section VI Table I, Footnote 6.

**Part II:** Amend Section VI, Table I, by inserting a new footnote (28) next to the following uses:

One-family detached dwelling

Two-family dwelling

Senior Housing

MF-1

MF-2

and adding the following footnote to Footnotes to Table I:

(28) Subject to Section VII, Section K, if five or more dwelling units or lots.

**Part III:** Amend Section VII, Table II, by inserting a new footnote (12) next to the Rural A, Rural B, Residence A, Residence B-1, Residence B-2, Multi-Family and Apartment Districts, said footnote to read as follows:

(12) For developments subject to Section VII.K, see Table K-A, Compensatory Dimensional and Density Regulations for Developments with Inclusion Units.

Planning Board Report 4 in favor, 0 opposed, 1 absent was read by moderator

**VOTED** at 11:25 P.M. a motion to adjourn to Tuesday, October 18, at 7:00 P.M.

ATTEST:

Ann M. Dagle  
Town Clerk